IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 19917 of 2007(U)

PETITIONER:

SUKUMARA PILLAI, AGED 60 YEARS,
DEVI PALACE, KOPPAKONAM AVENUE,
NEDUMANGADU.

BY ADV. SRI.P.SANJAY
SRI.A.PARVATHI MENON

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF ELECTRICITY, SECRETARIAT, THIRUVANANTHAPURAM.

2. KERALA STATE ELECTRICITY BOARD, REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVANAM, THIRUVANANTHAPURAM.

3. THE EXECUTIVE ENGINEER, ELECTRICAL DIVISION, KSEB, NEDUMANGAD.

4. THE DEPUTY TAHSILDAR (REVENUE RECOVERY), NEDUMANGAD.

R1 TO R3 BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 19917 OF 2007

Dated this the 1st day of August, 2007

JUDGMENT

Petitioner is challenging Exts. P3 and P4 recovery notices for recovery of arrears of electricity charges due under two connections taken by the petitioner. Supply was disconnected and the installation dismantled long back. Standing counsel for KSEB today furnished break-up details of liability sought to be recovered. It is seen that substantial amount of surcharge is demanded from the petitioner on account of non-payment for a long period. So far as demand of fixed charges is concerned, the same is payable at the applicable rate upto the date of disconnection and thereafter only for six months because the Board is bound to dismantle installation within six months from the date of disconnection. In the circumstances, W.P. is disposed of directing the third respondent to verify whether demand of fixed charges after disconnection is beyond six months and if any fixed charge is demanded beyond six months from the date of disconnection, there will be direction to the third respondent to exclude any fixed

charge demanded beyond six months from the date of disconnection. So far as surcharge is concerned, I feel petitioner can be granted some reduction provided entire arrears including reduced surcharge are paid by the petitioner on or before 31.8.2007. Therefore third respondent is directed to check the demand of surcharge and modify the demand limiting it upto six months from the date of disconnection. There will be direction to the third respondent to waive one-third of the surcharge which is interest payable for non-payment and thereafter to allow settlement of the balance liability with two-thirds surcharge on sustained demand, if petitioner makes payment on or before 31.8.2007. However, if petitioner fails to make payment as above, then waiver of one-third surcharge granted herein will stand automatically vacated and respondents will be free to proceed for recovery of actual amount due with full surcharge. Third respondent will give modified statement for settlement of liability within ten days from the date of production of a copy of this judgment by the petitioner.

Issue photocopy today itself.

(C.N.RAMACHANDRAN NAIR)
Judge